

Terence J. Sweeney, Esq.
44 Fairmount Avenue
Suite One
Chatham, New Jersey 07928
(973) 665-0400
Attorney for Plaintiff JOSE GOMEZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOSE GOMEZ,	Plaintiff
v.	
CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC JOHN DOES (Nos.1-3), and ABC Corp. (Nos.1-3).	Defendant(s),

CIVIL ACTION NO:

COMPLAINT

**PLAINTIFF DEMANDS A
TRIAL BY JURY**

Sirs:

Plaintiff, by his attorney TERENCE J. SWEENEY, ESQ. complaining of the abovenamed defendants respectfully alleges, upon information and belief the following:

THE PARTIES

1. Plaintiff JOSE GOMEZ is a citizen and resident of the State of Pennsylvania residing at 195 Spring Lane, Town of East Stroudsburg.
2. Defendant CRISTIAN ARISTIZABAL-RENGI is a citizen of the State of New Jersey, who resided and still resides at 333 Westfield Avenue, City of Elizabeth, County of Union.
3. Defendant J & E EXPRESS, LLC is a citizen of the State of New Jersey, who resides at 365 Williamson Street, City of Elizabeth, County of Union

JURISDICTION AND VENUE

4. The court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that such jurisdiction is founded upon the diversity of citizenship between the parties to this action and the matter in controversy exceeds, exclusive of interests and costs, the sum of

SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS.

5. Venue is proper pursuant to § 1391(b).

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF
OF PLAINTIFF JOSE GOMEZ**

6. On or about December 21, 2016, the defendant CRISTIAN ARISTIZABAL-RENGI was the driver, owner, lessee, and registrant of a 2007 white truck, registered in the State of New Jersey bearing a New Jersey State license plate # XCYD59.
7. At all times hereinafter mentioned the defendant CRISTIAN ARISTIZABAL-RENGI maintained, operated, equipped, inspected, repaired, maintained, tested, and otherwise examined said motor vehicle.
8. At all times hereinafter mentioned the defendant CRISTIAN ARISTIZABAL-RENGI managed, leased, assigned and rented said motor vehicle.
9. At all times hereinafter mentioned the defendant J & E EXPRESS, LLC and/or John Does and ABC Corp. (fictitious designations) maintained, operated, equipped, inspected, repaired, maintained, tested, and otherwise examined said motor vehicle.
10. At all times hereinafter mentioned the defendant J & E EXPRESS, LLC and/or John Does and ABC Corp. (fictitious designations) managed, leased, assigned, registered, and rented said motor vehicle.
11. At all times hereinafter mentioned the defendant CRISTIAN ARISTIZABAL-RENGI operated, drove and controlled said vehicle as the agent, servant and employee, with the consent and permission of J & E EXPRESS, LLC and/or John Does and ABC Corp. (fictitious designations).
12. Defendant John Does and ABC Corp. are fictitious designations representing one or more individuals, partnerships, corporations, or other legal entities which owned, leased, rented,

managed or controlled such vehicle operated by defendant CRISTIAN ARISTIZABAL-RENGI and for whom said defendant was acting as the agent, servant, and/or employees at the time of the collision.

13. At all times hereinafter mentioned the northbound local lanes of the New Jersey Turnpike, mile post 120.60, County of Bergen, State of New Jersey, were and still are public roadways and thoroughfares in common use by the residents of the State of New Jersey and others.
14. On or about December 21, 2016, the plaintiff JOSE GOMEZ was the passenger in a 2013 Ford Econoline gray passenger van, owned by C & G Transportation, Inc., and registered in the State of Pennsylvania bearing a Pennsylvania State license plate # BNO3772.
15. At all times hereinafter mentioned the defendant Jose Gomez rode in said vehicle, owned by C & G Transportation, Inc.
16. That on or about the December 21, 2016, at approximately 6:56 a.m. the white truck was being operated, maintained, controlled, and driven by Defendants CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC and/or John Does and ABC Corp., over and along the public roadway known as the northbound local lanes of the New Jersey Turnpike, mile post 120.60, County of Bergen, State of New Jersey.
17. That on or about the December 21, 2016, at approximately 6:56 a.m. the plaintiff passenger JOSE GOMEZ was in the gray passenger van owned over and along the public roadway known as the northbound local lanes of the New Jersey Turnpike, mile post 120.60, County of Bergen, and State of New Jersey.
18. That on or about the December 21, 2016, at approximately 6:56 a.m., the white truck operated, maintained, and driven by Defendants CRISTIAN ARISTIZABAL-RENGI, J &

E EXPRESS, LLC and/or John Does and ABC Corp. at or near the aforesaid location, was being operated in a reckless, careless and negligent manner.

19. That on or about the December 21, 2016, at approximately 6:56 a.m., the white truck operated, maintained, and driven by Defendants CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC and/or John Does and ABC Corp. and the gray passenger van ridden in by plaintiff JOSE GOMEZ came into contact with each other.
20. That on or about the December 21, 2016, at approximately 6:56 a.m., the white truck operated, maintained, and driven by Defendants CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC and/or John Does and ABC Corp. and the gray passenger van ridden in by plaintiff JOSE GOMEZ came into violent contact with each other.
21. That on or about the December 21, 2016, at approximately 6:56 a.m. or immediately thereafter a police officer, of the New Jersey State Police investigated and made a written report concerning the aforesaid collision between the white truck operated by Defendants CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC and/or John Does and ABC Corp. and the gray passenger van ridden in by plaintiff JOSE GOMEZ, and filed said report bearing accident No. D-030-2016-04355A.
22. That by reason of the foregoing, plaintiff JOSE GOMEZ was seriously injured.
23. That the foregoing accident and resulting injuries to the plaintiff JOSE GOMEZ was caused solely by reason of the recklessness, carelessness and negligence of the part of the defendants herein and without any negligence on the part of the plaintiff contributing therein.
24. That by reason of the foregoing, plaintiff JOSE GOMEZ was caused to suffer grievous and permanent injuries and was severely injured, damaged, rendered sick, sore, lame, and

disabled, sustained severe nervous shock and mental anguish, great physical pain, loss of enjoyment of life, past and future pain and suffering, and emotional upset, some of which injuries are permanent in nature and duration, and the plaintiff will be caused to suffer pain, inconvenience and other effects of such injuries; plaintiff incurred and in the future will necessarily incur further hospital and/or surgical and medical expenses in an effort to be cured of said injuries, plaintiff suffered loss of past and future income, and plaintiff will be unable to pursue his usual duties with the same degree of efficiency as prior to this accident, all to the plaintiff's great damage.

25. That as a result of the foregoing plaintiff JOSE GOMEZ suffered serious permanent injuries.
26. That by reason of the foregoing JOSE GOMEZ was damaged in the sum of ONE MILLION (\$1,000,000) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF
OF PLAINTIFF JOSE GOMEZ**

27. Plaintiff repeats and iterates all facts previously alleged as though fully set forth herein.
28. At all times set forth herein, Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp., its agents, servants and/or employees had a duty to investigate the driving history, driving qualifications, medical background, physical fitness, criminal background and other such information of their employees before agreeing to hire, contract with, and retain such employees, including Defendant CRISTIAN ARISTIZABAL-RENGI.
29. Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp., its agents, servants and/or employees, had a duty to exercise reasonable and necessary care, diligence and skill in hiring, training, supervising and retaining its employees and/or those drivers with whom

it entered into a contract, including defendant CRISTIAN ARISTIZABAL-RENGI, in order to prevent the danger of their causing imminent harm to members of the general public and others, including Plaintiff JOSE GOMEZ .

30. At all times set forth herein, Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp., its agents, servants and/or employees failed to exercise such reasonable and necessary care and diligence in hiring, training, supervising and retaining its employees and/or those drivers with whom it entered into a contract, including Defendant CRISTIAN ARISTIZABAL-RENGI.
31. Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp. knew, or in the exercise of reasonable and necessary care and diligence, should have known, that Defendant CRISTIAN ARISTIZABAL-RENGI would be likely to operate a motor vehicle in a negligent, reckless, and careless manner on behalf of Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp.
32. As a result of the foregoing, on December 21, 2016, Defendant CRISTIAN ARISTIZABAL-RENGI operated, controlled and drove negligently a white truck on behalf of Defendants J & E EXPRESS, LLC and/or John Does and ABC Corp. and violently struck the gray van in which Plaintiff JOSE GOMEZ was a passenger.
33. As a result of the foregoing, Plaintiff JOSE GOMEZ was caused to suffer severe and permanent bodily injuries, physical and mental pain and suffering, disability, disfigurement, scarring, mental anguish, loss of enjoyment of life, loss of society and services, and have been caused to incur, and will continue to incur, expenses for medical care and attention.
34. By reason of the foregoing, Defendants are liable to Plaintiff JOSE GOMEZ for damages in

the sum of One Million (\$1,000,000) Dollars.

35. Plaintiffs' aforesaid injuries were directly due to the negligent, reckless and careless conduct of Defendant , its agents, servants, and/or employees in the ownership, rental, leasing, maintenance, control, and operation of the aforementioned motor vehicle, and in breaching their duty to use reasonable and necessary care and diligence in hiring, contracting, and retaining employees, including Defendant CRISTIAN ARISTIZABAL-RENGI, who was unfit and unqualified for the position of driver, without any negligence on the part of Plaintiffs contributing thereto.

WHEREFORE, plaintiff JOSE GOMEZ demands judgment against the defendants CRISTIAN ARISTIZABAL-RENGI, J & E EXPRESS, LLC and/or John Does and ABC Corp., individual, jointly, and severally on the causes of action herein alleged for damages with interest from the December 21, 2016, costs and disbursements and all such further and other relief that this Court may deem just and proper.

Dated: Chatham, New Jersey
December 19, 2018

/s/

TERENCE J. SWEENEY ESQ.
Attorney for Plaintiff
Jose Gomez
44 Fairmount Avenue, Suite One
Chatham, New Jersey 07928
(973) 665-0400